

Prosecution and Posterity

It is possible that we are being rushed into a judgment our descendants may regret?

I mean, Sen. Hugh Scott (R-Pa.) says, "President Nixon has been hung . . . and it doesn't seem . . . that in addition he should be drawn and quartered."

And the vice president-designate, Nelson Rockefeller, says he agrees with Scott. And President Ford says he agrees with Rockefeller. And then an anonymous White House aide (a Nixon officeholder still on the payroll) says it would be impossible for Nixon to receive a fair trial. Too much publicity, he says. Besides, only a jury consisting of former Presidents would constitute a jury of "peers."

Nobody speaks out on the other side, possibly for fear of sounding vengeful, and before we know it we may learn that public opinion has spoken, and the thing will be done.

In fact, Mr. Ford has already determined that "the expressions made by Gov. Rockefeller coincides with the general view . . . of the American people."

Too, Mr. Ford has suggested that Special Prosecutor Leon Jaworski should "do whatever he sees fit," but he also suggested that, if Jaworski sees fit to indict, he will see fit to pardon.

Before we follow our leaders into a quick decision, we ought to have a thought about what posterity may say to the question.

For posterity is really all that mat-

ters. Richard Nixon has given us incontrovertible evidence that he committed the crime of obstructing justice, and it doesn't really matter to our generation whether or not we bring him to trial and sentence him for it or try to prove that he committed other crimes as well.

"Before we follow our leaders into quick decision, we ought to have a thought about what posterity may say to the question of prosecution."

True, he has not admitted his crime—a usual prelude to an act of mercy—but we have his own words on the tape to keep him from ever running for office again, and we have the expressed view of the minority on the House Judiciary Committee that he was not hounded from office to prevent him from becoming a martyred hero, even though we may give him an initial grant of nearly a million dollars to help him launch a new career.

So posterity is what matters. What you have to ask yourself is which of the two following statements you

would most like to read in future histories of the United States.

Statement one: "Although the Constitution provides that Presidents who are impeached and convicted may later be indicted and tried in the courts, the case of Richard Nixon in 1974 has made this provision a dead letter . . . The Nixon precedent means that a President who commits crimes will not suffer further than removal from office whether by impeachment and conviction or by resignation."

There's something to be said for this future account. It shows compassion. Also, to use a phrase Nixon liked to use, it shows "respect for the office." It suggests that being President is so important that any man who would obtain the title is to be treated differently from other men.

Now try statement two: ". . . But President Nixon's resignation in the face of certain impeachment and conviction for crime touched off another debate.

"Should a former President be subject to indictment and trial in the courts? The ultimate decision was that he should, and Nixon's subsequent trial and conviction—even though the judge sentenced the former President to a year's probation—established once and for all the principle that in the United States the law applies equally to all."